

REMARKS

Although Applicants do not necessarily agree with these groupings and/or the need for restriction, Applicants hereby elect to prosecute the claims of previous Groups 1-5, Claims 1-3 and 12 drawn to a method for detecting cancer, without traverse in order to advance prosecution, as in the response filed January 9, 2008. Applicants reserve the right to present the non-elected claims in at least one subsequent continuing application. Applicants hereby cancel claims 4-11 and 13-25, and request consideration and examination of claims 26-31. Applicants elect the species of lung cancer for the purpose of searching. Claims 1-3 and 12 read on this species.

CONCLUSIONS

Applicants believe that no fee is required. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

In view of the foregoing, Applicants believe claims 1-3, 12 and 26-31 now pending in this application are in condition of allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephonic conference would expedite prosecution of this application, please telephone the undersigned at (415) 576-0200

Respectfully submitted,



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Appl. No. 10/570,916

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Reply to Office Action of December 29, 2008

PATENT

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